

# PLANNING COMMISSION MINUTES

January 2, 2002

## CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Gary Bliss, Dan Maks, James Pogue, Bill Young and Alternate Planning Commissioner Stephen Olson. Planning Commissioner Eric Johansen was excused.

Development Services Manager Steven Sparks, AICP, Senior Planner John Osterberg, Associate Planner Liz Shotwell and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

## VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATION:

Development Services Manager Steven Sparks introduced new members of the Planning Commission, as follows: 1) Bill Young, who served as Mayor in the 1970's and is from the Highland NAC; 2) Shannon Pogue, who is from the Sexton Mountain NAC; and 3) Alternate Steve Olson.

Mr. Sparks mentioned that it is necessary to appoint a member to represent the Planning Commission on the Historic Resource Review Committee (HRRC).

Observing that a Work Session to discuss 2002 Planning Services & Development Services Work Plans is scheduled for January 16, 2001, Mr. Sparks pointed out

1 that this Work Session, which is scheduled to begin at 6:30 p.m., would be  
2 catered. He explained that the purpose of this session is to discuss upcoming  
3 projects in Development Services and Planning Services; recent legislative  
4 actions and their effect upon the City of Beaverton; and ex parte contacts and  
5 other legal issues. He invited the Planning Commissioners to advise staff of any  
6 issues that they would like researched to be discuss at that time.  
7

8 Mr. Sparks introduced Associate Planner Liz Shotwell, who was seated at the  
9 staff table, and Associate Planner Sambo Kirkman, who was seated in the  
10 audience, both of whom have served as Assistant Planner for several years,  
11 adding that both were also promoted to the position of Associate Planner in  
12 August, 2001. Observing that Ms. Shotwell would be presenting her first  
13 application this evening, he noted that Ms. Kirkman would be presenting her first  
14 application before the Planning Commission in the near future.  
15

16 Chairman Voytilla questioned whether Mr. Sparks had received his e-mail  
17 requesting that Assistant City Attorney Ted Naemura also attend the scheduled  
18 Work Session.  
19

20 Mr. Sparks assured Chairman Voytilla that Mr. Naemura would be available to  
21 respond to questions and comments at the Work Session.  
22

23 Chairman Voytilla requested that each of the newly appointed Planning  
24 Commissioners provide a brief self-introduction.  
25

26 Commissioner Pogue introduced himself, observing that he is the father of three  
27 children and has been employed by *Wells Fargo Bank* and lived in Beaverton for  
28 slightly over seven years, adding that he is part of Sexton Mountain NAC.  
29

30 Chairman Voytilla welcomed Commissioner Pogue to the Planning Commission.  
31

32 Commissioner Young introduced himself, noting that he has lived in the area for  
33 most of his life, graduated from local schools and had served as Mayor 25 years  
34 ago.  
35

36 Chairman Voytilla welcomed Commissioner Young to the Planning Commission.  
37

38 **NEW BUSINESS:**  
39

40 Chairman Voytilla opened the Public Hearing and read the format for Public  
41 Hearings. There were no disqualifications of the Planning Commission members.  
42 No one in the audience challenged the right of any Commissioner to hear any of  
43 the agenda items, to participate in the hearing or requested that the hearing be  
44 postponed to a later date. He asked if there were any ex parte contact, conflict of  
45 interest or disqualifications in any of the hearings on the agenda. There was no  
46 response.

**PUBLIC HEARING:**

**A. CUP 2001-0008 – SPRINT PCS MONOPOLE AT SW 3<sup>RD</sup> STREET  
CONDITIONAL USE PERMIT**

This request is for Conditional Use Permit (CUP) to allow a Personal Communications Service (PCS) facility south of SW 3<sup>rd</sup> Street, east of SW Filbert Avenue and west of the Southern Pacific Railroad right-of-way, on property more specifically described on Washington County Assessor's Map 1S1-15BD, Tax Lot 3100, and Map 1S1-15CA, Tax Lot 1900. The affected parcels are zoned Urban High Density Residential (R-1), where a CUP is required to locate a utility facility, and total approximately 4.18 acres in size. A decision for action on the proposed development shall be based upon the approval criteria listed in Section 40.05.15.2.C.

Commissioners Maks, Bliss and Young and Chairman Voytilla all indicated that they had personally visited the site and had no contact with any individuals regarding this application.

Commissioner Pogue stated that he had not personally visited the site.

Commissioner Barnard observed that while he had not personally visited the site, he is familiar with the area.

Associate Planner Liz Shotwell presented the Staff Report and described the request for approval of a Conditional Use Permit (CUP) to locate a proposed monopole and associated equipment, observing that a CUP is required to locate a utility within the R-1 zoning district. She explained that the proposal provides for an 80-foot monopole tower, 12 flush-mounted antennas, 7 equipment cabinets, with associated parking, access drive, fencing and landscaping. She pointed out that the property for the proposed facility is owned by Portland General Electric (PGE), yet proposed to be accessed off of SW 5<sup>th</sup> Street and through the apartment complex to the south of the project, involving two separate properties and property owners, which she considers a unique aspect of the proposal. She mentioned that an associated Type 3 Design Review application would be presented to the Board of Design Review on Thursday, January 10, 2002, and that an Administrative CUP requests to exceed the overall height limitation within the R-1 zoning district, adding that approval of both of these associated applications are contingent upon the approval of the CUP being considered by the Planning Commission this evening. Observing that she is aware that all members of the Planning Commission have reviewed the materials, she made several corrections to the Staff Report, as follows:

?? Page 4, paragraph 2, line 4 – "...final action on the application on or before March 13, 2004~~2~~, to consider..."

?? Page 4, paragraph 4, line 3 – "...hearing on January 10, 2004~~2~~, to consider..."

1 ?? Page 4, paragraph 6, line 4 – “...on top for an overall pole height of 843  
2 feet.”

3 ?? Page 5, paragraph 10, line 1 – “Surrounding Area: North: Pacific Gas & Electric Substation **Portland General Electric**.”

5 ?? Page 8, paragraph 3, line 1 – “Therefore, staff find that by satisfying  
6 condition #65, the criterion is met.”

7 ?? Page 11, paragraph 1, line 11 – “...find that by satisfying condition #65,  
8 the proposal is consistent with this plan policy.”

9 ?? Page 14, paragraph 3, line 1 – “Therefore, staff find that by satisfying  
10 condition #65, the criterion is met.”

11  
12 Concluding, she recommended approval of the application, subject to certain  
13 Conditions of Approval, and offered to respond to questions or comments.

14  
15 Commissioner Maks referred to a previous location that had been considered by  
16 the applicant and requested clarification of staff’s rationale for discouraging the  
17 applicant from pursuing that particular site.

18  
19 Observing that she is unfamiliar with conversations between the applicant and  
20 staff prior to the submittal of this specific application, Ms. Shotwell stated that  
21 she believes that this reference pertains to information submitted during the the  
22 pre-application process. She commented that she would like the applicant to  
23 further clarify this issue for the benefit of the Planning Commissioners.

24  
25 Senior Planner John Osterberg advised Commissioner Maks that he is not familiar  
26 with this particular issue either.

27  
28 Commissioner Maks pointed out that the applicant states on page 6 of 25, as  
29 follows:

30  
31 “A potential location was identified at the Cal Spas location at 11135 SW  
32 Canyon Road, however staff discouraged us from pursuing it because it  
33 was too close to a wetland area and was highly visible from Highway  
34 217.”

35  
36 Commissioner Maks requested clarification of the issue, specifically the  
37 indication that this site was too close to a wetland area.

38  
39 Noting that she is familiar with this particular statement within the document, Ms.  
40 Shotwell informed Commissioner Maks that she had not pursued this issue.

41  
42 Referring to page 15 of the Staff Report, specifically Condition of Approval No.  
43 5, Commissioner Maks noted that while the Western Red Cedar tree is to be  
44 planted twenty feet on center, there is no indication of a requirement regarding the  
45 height or caliper of these trees.

46

1 Expressing appreciation to Commissioner Maks for calling attention to this issue,  
2 Ms. Shotwell observed that the applicant's proposed landscape plan specifies  
3 other Western Red Cedar trees as well, adding that she is not certain of the  
4 proposed height and caliper of any of these trees.

5  
6 Mr. Osterberg suggested the possibility of deferring landscape design details for  
7 consideration by the Board of Design Review at the Type 3 Design Review  
8 scheduled for Thursday, January 10, 2002.

9  
10 Expressing concern with making certain that this development should be  
11 reasonably compatible with the surrounding area, which is criteria that is  
12 identified within the Staff Report, Commissioner Maks pointed out that  
13 conditioning to satisfy that criteria should also include what would be necessary  
14 to satisfy that criteria.

15  
16 Mr. Osterberg advised Commissioner Maks that staff would review this issue to  
17 determine what type of specificity is necessary.

18  
19 Commissioner Maks questioned the source of Condition of Approval No. 8,  
20 observing that this is the first time he had seen this particular condition placed  
21 upon a cellular tower.

22  
23 Mr. Osterberg advised Commissioner Maks that he is not certain whether this  
24 Condition of Approval, which requires collocation of use, had been recommended  
25 in the past to the Planning Commission, the Board of Design Review, or both. He  
26 pointed out that he believes that staff had been urged to create such a Condition of  
27 Approval by the Planning Commission.

28  
29 Commissioner Maks commented that a great deal of the language within this  
30 Condition of Approval is similar to what is typically conditioned, noting that he  
31 had had been particularly concerned with one of the sentences within this  
32 Condition of Approval, as follows:

33  
34 "The applicant is not required to permit shared use of any unused  
35 monopole capacity that the applicant demonstrates is needed for the  
36 applicant's future system expansion or modification plans."

37  
38 Commissioner Maks requested clarification of to whom the applicant is to  
39 demonstrate the need for future system expansion or modification plans and  
40 emphasized that one of the goals of this jurisdiction, as well as other jurisdictions,  
41 is to promote collocation. He expressed his opinion that this Condition of  
42 Approval could create issues between the applicant and a competitor, pointing out  
43 that not requiring an applicant to permit shared use of any unused monopole  
44 capacity does not promote collocation.

45

1 Mr. Osterberg commented that he anticipates the same issue described by  
2 Commissioner Maks, observing that this implies a future action that needs to  
3 occur, although it is probably not appropriate to defer this issue to staff. He  
4 expressed his opinion that this would involve a discretionary decision on the part  
5 of staff, suggesting that this portion should be deleted.

6  
7 Commissioner Maks noted that he is concerned with who makes this decision,  
8 adding that he would have an issue with the owner of the monopole having this  
9 authority, and mentioned the possibility that an applicant might not want to allow  
10 a competitor to place equipment on his monopole. He suggested that if this  
11 section is not deleted, it would be necessary to actually define some type of  
12 appropriate criteria that determines the relevance of future plans.

13  
14 Referring to the communication submitted by Jim Brooks, Commissioner Barnard  
15 requested confirmation that the referenced easement actually exists.

16  
17 Ms. Shotwell confirmed the existence of the easement referred to by Jim Brooks..

18  
19 Commissioner Barnard pointed out that the communication submitted by Mr.  
20 Brooks also mentions the possibility of utilizing parking space at the *Fifth Street*  
21 *Church of Jesus Christ* and requested clarification of a need for this excess  
22 parking.

23  
24 Ms. Shotwell informed Commissioner Barnard that this had been mentioned at the  
25 Neighborhood Meeting, noting that this had been considered a possible solution to  
26 providing the one parking space that had been recommended.

27  
28 Commissioner Barnard questioned whether the horseshoe driveway could be  
29 considered adequate parking for the proposal.

30  
31 Ms. Shotwell agreed that the horseshoe driveway would provide adequate parking  
32 for the facility, noting that additional off-site parking is neither necessary nor  
33 required.

34  
35 **APPLICANT:**

36  
37 **RON MECKLER**, on behalf of *SBA Network Services, Inc.* and representing  
38 *Sprint PCS*, explained the proposal for an 80-foot monopole, as well as expansion  
39 and collocation opportunities at the site. He mentioned that there would be 6  
40 antennas located at the top of the pole, with space for 6 additional antennas,  
41 noting that the pole has been structurally designed to accommodate the additional  
42 antennas. He pointed out that while it has not yet been determined whether  
43 expansion is planned at this facility, the applicant had been interested in providing  
44 for possible expansion and/or collocation opportunities. Reiterating that this site  
45 is owned by PGE, he mentioned that *Sprint PCS* would be leasing an area of  
46 approximately 35 feet by 38 feet, which would enclose the equipment and the

1 radio frequency telecommunications interface monitoring equipment. He stated  
2 that the proposal includes a design for 7 cabinets, as well as a 7-foot solid wood  
3 fence, including the gate, around the site, in an effort to completely screen and  
4 enclose the base of the tower and communications equipment. He pointed out  
5 that landscaping has been proposed outside of the fence and along the southern  
6 property line that abuts the church property and the apartments to the south.  
7

8 Observing that the purpose of this facility is to provide cellular telephone service  
9 and additional coverage in area immediately to the south, along Lombard, south  
10 of 4<sup>th</sup> Street, Mr. Meckler pointed out that the coverage within the buildings in  
11 this area is marginal at the present time. Referring to current capacity problems,  
12 he noted that sufficient facilities to meet the needs in the town center shopping  
13 area are not available at this time.  
14

15 Mr. Meckler discussed the Cal Spa site that had been considered previously by the  
16 applicant, noting that it had been determined that this site is not appropriate  
17 because it is located within a wetlands designated area and that the applicant had  
18 abandoned further efforts to secure that property. Observing that the applicant  
19 had also considered collocation on an existing *AT&T* utility pole, he pointed out  
20 that the wooden pole was only 60 feet in height and that *AT&T* had not been  
21 interested in allowing *Sprint PCS* to replace their pole with a new tower. He  
22 noted that staff had urged the applicant to consider a *Voicestream* monopole on 1<sup>st</sup>  
23 Street that is currently in the pending stage, emphasizing that this pole would only  
24 be 60-feet in height, and although *Voicestream* had expressed a willingness to  
25 allow *Sprint PCS* to utilize space on that pole, the highest elevation available of  
26 only 45-feet would be inadequate for appropriate coverage. He pointed out that  
27 while the applicant had attempted to locate alternative sites, it had been  
28 determined that none of these three potential sites would be adequate to meet their  
29 needs.  
30

31 Mr. Meckler expressed his opinion that the applicant meets the applicable criteria  
32 for a CUP at this location, observing that this facility would have very little effect  
33 upon the adjoining property, two sides of which consist of the PGE substation and  
34 the railroad tracks. He pointed out that while the apartment building and church  
35 are located to the south of the proposal, the facility and related equipment are very  
36 quiet and would be further buffered by the solid wood fence. He discussed the  
37 proposed 5-foot landscape buffer surrounding three sides of the site, adding that a  
38 10-foot wide landscape area has been proposed to the south where the gate is  
39 located between the south property line and the driveway access way. Noting that  
40 staff has recommended altering the proposed plant material, he stated that the  
41 Maple trees would be replaced with Evergreens, which would not lose all of their  
42 leaves, providing screening along the south side. In response to Commissioner  
43 Maks' question, he stated that the trees would be 3-inches in caliper and 4 to 6  
44 feet in height at the time of planting. He commented that this virtually unmanned  
45 site would generate no traffic, adding that the applicant anticipates one trip per  
46 month by the maintenance technician. He pointed out that this utility would

1 provide improved communications services for this area, noting that no health or  
2 erosion hazards would be caused by this facility, which involves a very flat site  
3 that would necessitate very minimal grading. Observing that this use is neither  
4 detrimental nor incompatible with the surrounding area, he commented that the  
5 very minimal effects have been mitigated. Pointing out that this use is clustered  
6 with other non-residential uses, such as the PGE substation and the railroad  
7 tracks, he mentioned that the proposed pole is the slimmest pole possible that  
8 could attain the 80-feet in height required to achieve adequate service coverage.  
9 He discussed the colors to be used on the facility, and described the medium  
10 brown color proposed for the pole in order to blend in with the trees in the area,  
11 adding that the monopole would also be roughly the same color as the utility poles  
12 lining the railroad tracks to the west. He addressed issues concerning the  
13 wetlands, emphasizing that the site is not within the wetland area, and stated that  
14 the applicant is providing more than the 25-foot buffer recommended by Clean  
15 Water Services. He mentioned that all of the proposed plant material is native to  
16 the area and should easily survive on the site.

17  
18 He emphasized that the applicant concurs with the Conditions of Approval  
19 proposed by staff, noting that the applicant's legal consultant, Mr. Phil Grillo of  
20 *Miller, Nash LLC* is available to respond to any questions. He mentioned that Mr.  
21 Jim Brooks, who is the owner of the Birch Meadow Apartments, is also available.  
22 Referring to the access easement agreement between the landowner, *PGE*, and the  
23 Birch Meadow Apartments, he clarified that this easement would provide access  
24 for the construction of the development as well as the monthly maintenance.  
25 Referring to the issue of parking, he pointed out that *Sprint PCS* prefers to have  
26 the one necessary parking space located on site, rather than at the church parking  
27 lot, adding that this meets the on-site parking requirement and that they are no  
28 longer considering any off-site parking. Concluding, he offered to respond to any  
29 questions or comments.

30  
31 Commissioner Maks referred to the Staff Report, specifically pictures of a crow's  
32 nest and a stealth-type facility, requesting clarification of which type of monopole  
33 is proposed.

34  
35 Emphasizing that the proposed monopole is neither a crow's nest or a stealth-  
36 type, Mr. Meckler advised Commissioner Maks that the monopole would be  
37 compact, adding that the applicant is proposing the antenna array that is included  
38 in their own submittal.

39  
40 Referring to the *Cal Spa* location, Commissioner Maks pointed out that an  
41 applicant often attempts to locate their antennas on buildings or other structures,  
42 which is less expensive. He pointed out that although billboards are rare, there is  
43 a billboard located near the *Cal Spa* location, across from the Beaverton/Hillsdale  
44 *Fred Meyer Store*, and questioned whether the applicant had ever attempted to  
45 install an antenna on a billboard.



1 Mr. Meckler observed that while he has seen antennas installed on billboards, he  
2 has not actually been involved in a project involving utilizing a billboard for the  
3 installation of a telecommunications antenna. He pointed out that while there is  
4 no indication that this billboard had been considered as a potential site, there  
5 could be an issue with inadequate height, noting that the antenna needs to achieve  
6 a height of at least 80 feet.

7  
8 Commissioner Maks discussed the feasibility of utilizing existing monopoles,  
9 buildings, billboards, water towers, etc., rather than constructing additional poles.  
10 Referring to page 6 of 25 of the applicant's submittal, which states that staff had  
11 discouraged the applicant from pursuing a site that was located too close to a  
12 wetland area, he pointed out that Mr. Meckler had indicated that the subject site  
13 was actually located within a wetland area.

14  
15 Mr. Meckler advised Commissioner Maks that the applicant had discovered that  
16 the site was located within a wetland or riparian area.

17  
18 Commissioner Maks questioned why the applicant had considered a 7-foot, rather  
19 than 8-foot fence, for screening purposes.

20  
21 Mr. Meckler informed Commissioner Maks that the applicant had determined that  
22 the proposed 7-foot fence would be adequate to screen the equipment from the  
23 neighboring property, and that it had also been determined that the wooden fence  
24 would muffle sound generated by the facility.

25  
26 Commissioner Maks advised Mr. Meckler that most sound engineers would  
27 testify that a wooden fence is worthless with regard to muffling sound. Referring  
28 to the communication submitted by Mr. Brooks regarding noise generated by  
29 cooling units, he questioned whether cooling units would be present at the site.

30  
31 Mr. Meckler explained that the proposal includes fans, rather than cooling units,  
32 observing that these fans are unlike air conditioning units and that the sound level  
33 should be 65 decibels at 5 feet from the unit, although he is not certain what the  
34 sound level would be in the residential area located 50 feet from the facility.

35  
36 Commissioner Maks mentioned the seven proposed equipment cabinets, noting  
37 that most of what has previously been approved with regard to cellular towers has  
38 been enclosed in some type of structure. He commented that several proposals  
39 had been conditioned requiring that this equipment actually be buried  
40 underground, and questioned the necessity of seven equipment cabinets.

41  
42 Mr. Meckler explained that this proposal involves a standard installation utilized  
43 by *Sprint PCS* in all of their designs, emphasizing that it might be determined that  
44 all seven cabinets might not be necessary. On question, he advised Commissioner  
45 Maks that the Western Red Cedar trees would be 3-inches in caliper at the time of  
46 planting.

1 Commissioner Maks referred to a document from Steven Hagen of *PGE* to  
2 Arthur Brooks of the Birch Meadow Apartments, and questioned who is  
3 responsible for the maintenance and longevity of the landscaping installed by the  
4 applicant.

5  
6 Mr. Meckler informed Commissioner Maks that *Sprint PCS* would be responsible  
7 for providing for the maintenance and longevity of the landscaping associated  
8 with the proposal.

9  
10 Chairman Voytilla questioned whether an 80-foot pole requires any type of  
11 aircraft beacon at the site.

12  
13 Mr. Meckler assured Chairman Voytilla that the applicant always refers proposed  
14 tower sites to the FAA, who either sends back a determination of no hazard or  
15 effect or, in the event that they determine there is an effect upon aircraft, they  
16 indicate what type of lighting is necessary. Observing that he does not have  
17 anything from the FAA with regard to this site, he stated that he believes that they  
18 have signed off on this proposal.

19  
20 Referring to the adjacent property to the east, which is shown as Lot 13, Chairman  
21 Voytilla questioned whether this site had been considered as a potential site for  
22 the facility, and specifically why Lot 14 had been selected as opposed to Lot 13.

23  
24 Mr. Meckler stated that while he is unable to respond to this definitively, he is  
25 guessing that *PGE* had expressed a preference for allowing *Sprint PCS* to utilize  
26 Lot 13, rather than Lot 14.

27  
28 Chairman Voytilla questioned the feasibility of locating an additional facility on  
29 Lot 13 while *Sprint PCS* is located on Lot 14.

30  
31 Mr. Meckler commented that he can not see any reason why another facility, most  
32 likely a different carrier, could not be located on Lot 13, adding that it would be  
33 necessary to determine that there would be no interference issues involving the  
34 *Sprint PCS* facility on Lot 14.

35  
36 Chairman Voytilla questioned whether wooden fences are typically installed at  
37 these facilities, expressing his opinion that wooden fences create issues with both  
38 maintenance and security.

39  
40 Mr. Meckler advised Chairman Voytilla that the applicant generally installs  
41 wooden fences, which are aesthetically more pleasing than chain-link fences,  
42 when the site is in or adjacent to residential areas, and assured him that the  
43 applicant would be responsible for the maintenance of this fence.

44  
45 Commissioner Barnard referred to the access easement issue, specifically whether  
46 there is any reason that the easement rights should be questioned.

1 Observing that Mr. Brooks is available to address this issue, Mr. Meckler stated  
2 that while this had originally been a concern, the preliminary drawings had  
3 illustrated the appropriate access through the apartment area and that it appears  
4 that this issue has been resolved.

5  
6 Mr. Barnard requested clarification of what Mr. Meckler had referred to as the  
7 City of Beaverton's unwritten rule to allow poles no higher than 80-feet,  
8 specifically how he would have become aware of such a rule.

9  
10 Mr. Meckler responded that while he is unable to answer this question, noting that  
11 he is not certain of the source of that information.

12  
13 Mr. Barnard noted that while *Sprint PCS* would have preferred either a 95-foot or  
14 100-foot, and although this might not be an appropriate location for a higher pole,  
15 there is concern with the number of monopoles being installed within the City of  
16 Beaverton.

17  
18 Mr. Meckler clarified that each providers has their own specifications and  
19 requirements to provide adequate coverage and service, noting that while he  
20 supports collocation, this is largely dependent upon the cooperation of other  
21 providers.

22  
23 Commissioner Barnard questioned the feasibility of providing some form of  
24 mapping with demographics and the number of cellular telephone carriers within  
25 the area.

26  
27 Expressing his opinion that this mapping does not exist at this time, Mr. Meckler  
28 explained that federal mandate regulates cellular/PCS-type services, adding that  
29 this involves a competitive environment.

30  
31 Chairman Voytilla pointed out that some other jurisdictions do actually require a  
32 mapping system, observing that while this is not included in the City of  
33 Beaverton's criteria, he believes that this should be implemented.

34  
35 Mr. Meckler pointed out that the applicant had provided propagation maps  
36 illustrating most of the existing and proposed towers within the Beaverton area.  
37 Noting that while there is no firm master plan, he commented that this  
38 competitive environment is based upon needs at a particular time and that the  
39 providers continually evaluate complaints regarding any lack of service or  
40 coverage.

41  
42 Commissioner Young expressed his opinion that it is a fair and reasonable  
43 expectation on the part of the City of Beaverton to have the information regarding  
44 the location and details of these monopoles, as well as information regarding the  
45 industry standards. He pointed out that this is becoming an issue, emphasizing  
46 that he expects to be seeing more, rather than less, of this technology.

1 Chairman Voytilla commented that Commissioner Young had expressed a good  
2 point, noting that while this issue could not be addressed with this current  
3 application, it should be considered with future applications.  
4

5 Commissioner Maks stated that this is an issue in Clark County, Washington,  
6 noting that due to the competitive nature of this industry, a provider might not  
7 wish to provide information to other providers with regard to where they intend to  
8 install future facilities, adding that this would create an issue with mapping.  
9

10 Mr. Meckler advised Commissioner Maks that the applicant has been cooperating  
11 with Clark County on this endeavor by providing mapping of existing and soon to  
12 be implemented cellular tower sites.  
13

14 Expressing his appreciation of this information, Chairman Voytilla reiterated that  
15 this issue is beyond the scope of this particular application.  
16

17 Mr. Osterberg responded to Commissioner Barnard's question regarding the  
18 applicant's reference to the unwritten 80-foot limitation on cellular towers or  
19 monopoles within the City of Beaverton, noting that in light of decisions made by  
20 the Planning Commission and Board of Design Review, staff had noticed that no  
21 applications had been approved for monopoles greater than 80-feet in height.  
22 Emphasizing that while this is not actually a specific policy on the part of staff,  
23 they have advised applicants of this tendency to maintain this unofficial height.  
24

25 Chairman Voytilla expressed his opinion that based upon what has been  
26 previously approved, it might have become necessary to allow more 80-foot  
27 towers than would have been necessary with 120-foot towers.  
28

29 Observing that this question remains open for speculation and debate, Mr.  
30 Osterberg stated that the issue with regard to reducing the number of towers by  
31 allowing for higher towers has not been analyzed.  
32

33 Noting that a 115-foot monopole had been approved above *Denny's Restaurant* in  
34 Progress Commissioner Maks pointed out that each application is different. He  
35 requested that staff review all issues with regard to each of these separate  
36 applications as they are submitted.  
37

38 **PUBLIC TESTIMONY:**  
39

40 On question, no member of the public appeared to testify regarding this  
41 application.  
42

43 On question, Mr. Osterberg had no further comments.  
44

45 The public portion of the Public Hearing was closed.  
46

1 Expressing their support of the application, Commissioners Barnard and Bliss  
2 noted that applicable criteria had been addressed.

3  
4 Chairman Voytilla noted that the application meets applicable criteria and  
5 expressed his support, and requested that any motion for approval include  
6 corrections staff had made to the Staff Report.

7  
8 Commissioner Maks stated that while he supports this application as meeting  
9 applicable criteria, Condition of Approval No. 5 should provide that the Western  
10 Red Cedar trees be at least three inches in caliper, and that the second sentence in  
11 Condition of Approval No. 8 be stricken.

12  
13 Chairman Voytilla observed that while caliper size is relevant when dealing with  
14 deciduous trees, evergreens are actually measured by vertical height, and  
15 suggested a height of at least four to six feet.

16  
17 Expressing their support of the application, Commissioners Young and Pogue  
18 noted that applicable criteria had been addressed.

19  
20 Chairman Voytilla observed that the Planning Commission had reached a  
21 consensus with regard to this application.

22  
23 Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a  
24 motion that that CUP 2001-0008 – Sprint PCS Monopole at SW 3<sup>d</sup> Street be  
25 **APPROVED**, based upon the testimony, reports and exhibits presented during  
26 the Public Hearing on the matter and upon the background facts, findings and  
27 conclusions found in the Staff Report dated December 26, 2001, as amended, and  
28 upon Conditions of Approval Nos. 1 through 10.

29  
30 5. In addition to the plant material provided on the Landscape Plan, the  
31 applicant shall install Western Red Cedar trees **of at least four to six**  
32 **feet in height**, twenty feet on center, along the southern property line.

33  
34 8. The applicant shall negotiate in a timely manner and in good faith for  
35 shared use of the monopole by third parties, and shall allow shared use  
36 of the monopole if the third party agrees in writing to pay a reasonable  
37 pro rata charge for sharing, including all charges necessary to modify  
38 the monopole to accommodate shared use and to observe technical  
39 requirements warranted to avoid radio frequency interference. ~~The~~  
40 ~~applicant is not required to permit shared use of any unused monopole~~  
41 ~~capacity that the applicant demonstrates is needed for the applicant's~~  
42 ~~future system expansion or modification plans.~~ This condition shall  
43 run with the land and be binding on subsequent purchasers of the  
44 monopole site. Failure to comply with this condition shall be grounds  
45 for revocation of the permit for the monopole.

46  
47 Motion **CARRIED**, unanimously.

1 **APPROVAL OF MINUTES:**

2  
3 Minutes of the meeting of November 14, 2002, submitted. Commissioner  
4 Barnard referred to lines 39 and 40 of page 9, requesting that they be amended, as  
5 follows: "Commissioner Barnard expressed his opinion that although there  
6 ~~should~~ **could** be a provision within the Development Code..." Commissioner  
7 Barnard referred to line 5 of page 10, requesting that it be amended, as follows:  
8 ""Commissioner Barnard expressed his opinion that there ~~should be~~ **is** an ability  
9 to..." Commissioner Barnard referred to lines 4 and 5 of page 14, requesting that  
10 they be amended, as follows: "...selling rugs, plaques, signs, etc., ~~adding that~~  
11 ~~they rarely even intend to pay any rent.~~" Commissioner Maks **MOVED** and  
12 Commissioner Barnard **SECONDED** a motion that the minutes be approved as  
13 written, and amended.  
14

15 Motion **CARRIED**, unanimously, with the exception of Commissioners Pogue  
16 and Young, who abstained from voting on this issue.  
17

18 **MISCELLANEOUS BUSINESS:**

19  
20 Noting that no meeting is scheduled for January 9, 2002, Chairman Voytilla stated  
21 that the meeting of January 16, 2002 would involve a Work Session regarding the  
22 2002 Planning Services and Development Services Work Plans.  
23

24 Mr. Sparks mentioned that Mr. Grillo has requested a Point Of Order on the  
25 action taken on CUP 2001-0008 – Sprint PCS Monopole at SW 3<sup>rd</sup> Street.  
26

27 Phil Grillo, on behalf of *Sprint PCS*, referred to Condition of Approval No. 8,  
28 expressing his opinion that this language, including the sentence that had been  
29 struck, had not been fairly balanced. He pointed out that while he can understand  
30 the City of Beaverton's desire to clarify this issue to some extent, this should be  
31 done more through the legislative process, rather than attempting to standardize  
32 such a condition at this time. He requested that the decision that had been made  
33 be considered tentative and the record be left open for seven days to allow him to  
34 submit further written documentation, adding that he would like to have the  
35 opportunity to check with *Sprint PCS* and determine whether striking this  
36 particular sentence would create a problem.  
37

38 Commissioner Maks advised Mr. Grillo that the Planning Commission's By-Laws  
39 do not allow for tentative decision, and that because it is also not permitted to  
40 reconsider an issue at a later date and this rule could not be waived, this involves  
41 what he referred to as a Catch 22 situation. Emphasizing that this has not been an  
42 issue in the past, he disagreed with Mr. Grillo and expressed his opinion that the  
43 Condition of Approval is more balanced without the sentence that had been  
44 stricken.  
45

1       Expressing his appreciation of Commissioner Maks' response, Mr. Grillo pointed  
2       out that while he would like to be comfortable that this would always be the City  
3       of Beaverton's response, it might not always be that way. He requested that the  
4       Chairman wait for seven days before signing the Final Order to allow the  
5       applicant the opportunity, which is provided by statute, to do what needs to be  
6       done.

7  
8       Emphasizing that the decision has been made, Commissioner Maks advised Mr.  
9       Grillo that while the Planning Commission is not able to reconsider at a later date,  
10      they are able to reconsider their decision this evening. He briefly explained the  
11      procedure for such an action to reconsider this decision at this time.

12  
13      Mr. Sparks pointed out that another alternative would involve granting a request  
14      by Mr. Grillo that the record be held open for seven days to be augmented by  
15      additional documentation.

16  
17      Mr. Grillo mentioned that even without a request that the record be kept open,  
18      statute does allow him the right to supplement the record.

19  
20      Commissioner Maks agreed that Mr. Grillo could have the record left open,  
21      advising him that the Planning Commission is still not permitted to reverse their  
22      decision or change Conditions of Approval at a later date and that any revisions  
23      would have to be addressed through the appeal process, unless the Public Hearing  
24      is reopened tonight.

25  
26      Mr. Grillo expressed his appreciation and respect for Commissioner Maks'  
27      comments with regard to how the City of Beaverton would interpret the good  
28      faith provision within the criteria, requesting that future applications provide for a  
29      discussion with regard to how this Condition of Approval should be written.

30  
31      Commissioner Maks stated that while he does not disagree with Mr. Grillo, it is  
32      unfortunate that the City of Beaverton has no telecommunications ordinance.  
33      Emphasizing that the Planning Commission firmly believes in collocation, he  
34      pointed out that there is very little collocation within the City of Beaverton.

35  
36      Mr. Grillo commented that he would like to be involved in any efforts to prepare a  
37      more appropriate Condition of Approval addressing this issue.

38  
39      Mr. Sparks questioned whether the Planning Commission would like to take the  
40      opportunity to appoint an individual to represent them on the HRRC at this time  
41      or postpone this appointment to a later date.

42  
43      Chairman Voytilla requested that staff reiterate the responsibilities and time  
44      commitment involved in serving on the HRRC.

45

1 Commissioner Moks requested clarification of whether this committee is being  
2 eliminated.

3  
4 Mr. Sparks advised Commissioner Moks that while the HRRC is not being  
5 eliminated they are being removed from the development review process.  
6 Observing that this past year has involved two applications, he pointed out that  
7 this has been the most active year for HRRC. Noting that there have been only  
8 six meetings within the past five years, he emphasized that the time commitment  
9 for serving on this committee is very limited and would be even more limited in  
10 the future.

11  
12 Noting that any individual appointed to the HRRC would be involved in only one  
13 or two meetings on an annual basis, Chairman Voytilla questioned whether  
14 anyone would like to take advantage of this opportunity to serve in this capacity.  
15 Receiving no response, he advised Mr. Sparks that this appointment would be  
16 negotiated at a future session of the Planning Commission.

17  
18 Mr. Sparks suggested that this appointment could be included on the January 16,  
19 2002 Agenda.

20  
21 Commissioner Moks questioned which day of the week the HRRC generally  
22 meets.

23  
24 Mr. Sparks informed Commissioner Moks that this is an ad hoc meeting and is not  
25 scheduled for any specific day of the week.

26  
27 Mr. Osterberg pointed out that several of the HRRC meetings have occurred on a  
28 Tuesday.

29  
30 Commissioner Moks requested clarification of whether CRAC is active at this  
31 time.

32  
33 Mr. Sparks commented that if CRAC reconvenes, it would be under a new  
34 configuration and most likely involve different individuals.

35  
36 Chairman Voytilla reminded those present of the Work Session scheduled for  
37 6:30 p.m. January 16, 2002.

38  
39 The meeting adjourned at 8:20 p.m.